

Eric C. Rassbach, SBN 288041  
The Becket Fund for Religious Liberty  
1200 New Hampshire Ave. NW, Suite 700  
Washington, DC 20036  
Telephone: (202) 955-0095  
Facsimile: (202) 955-0090  
[erassbach@becketlaw.org](mailto:erassbach@becketlaw.org)

*Counsel for Defendant-Intervenor*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE STATE OF CALIFORNIA; THE STATE OF DELAWARE; THE STATE OF MARYLAND; THE STATE OF NEW YORK; THE COMMONWEALTH OF VIRGINIA,

*Plaintiffs,*  
v.

ERIC D. HARGAN, in his official capacity as Acting Secretary of the U.S. Department of Health and Human Services; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; R. ALEXANDER ACOSTA, in his official capacity as Secretary of U.S. Department of Labor; U.S. DEPARTMENT OF LABOR; STEVEN MNUCHIN, in his official capacity as Secretary of the U.S. Department of the Treasury; U.S. DEPARTMENT OF THE TREASURY; DOES 1-100.

*Defendants,*

## THE LITTLE SISTERS OF THE POOR, JEANE JUGAN RESIDENCE,

### *Defendant-Intervenor.*

Case No. 4:17-cv-05783-HSG

**DECLARATION OF ERIC  
RASSBACH IN SUPPORT OF  
MOTION FOR ORDER  
SHORTENING TIME FOR  
HEARING AND BRIEFING  
SCHEDULE ON THE PROPOSED  
DEFENDANT-INTERVENOR'S  
MOTION TO INTERVENE**

1 I, Eric Rassbach, declare as follows:

2 1. I am Deputy General Counsel at the Becket Fund for Religious Liberty and am a  
3 member of the bar of this Court. I am attorney of record for the proposed Defendant-  
4 Intervenor in the above-captioned matter.

5 2. I have personal knowledge of all facts stated in this declaration, and if called to  
6 testify, I could and would testify competently thereto.

7 3. The motion to shorten time is made on the ground that the Court has scheduled a  
8 hearing on the Plaintiff States' Motion for Preliminary Injunction for December 12, 2017.

9 That hearing date itself was the subject of the States' unopposed motion to shorten time.  
10 Doc. 30. It would severely prejudice the Little Sisters to wait for the next available  
11 hearing date—February 22, 2018—to be heard on the pending motion to intervene. As  
12 outlined in both the motion to shorten time and the motion to intervene, this case  
13 primarily concerns the rights of the Little Sisters and other religious objectors to a  
14 religious exemption from the federal government's contraceptive mandate. The Little  
15 Sisters have already spent more than four years litigating against the Department of  
16 Health and Human Services (HHS) to establish the very rights at issue in this case. If  
17 the Little Sisters are required to wait the full notice period before their motion to  
18 intervene can be heard, the Court will not have the benefit of the Little Sisters'  
19 participation as the Court considers the States' Motion for a Preliminary Injunction.  
20 That would leave the Little Sisters in the position of potentially having their rights  
21 decided by this Court before having the opportunity to be heard.

22 4. Pursuant to Civil Local Rule 7-11(a), on November 20, 2017, I emailed counsel for  
23 the State of California, Michele Wong, regarding whether Plaintiffs would oppose the

1 Intervenor-Defendant's motion for an order shortening time to allow the Court to  
2 consider the motion to intervene before the December 12, 2017 hearing. I received a  
3 response from Karli Eisenberg, asking for additional information about the motion,  
4 which I provided. Ms. Eisenberg informed me that the Plaintiffs oppose this motion.

5 5. On November 20, 2017, Ethan Davis of the Department of Justice informed my  
6 colleague and co-counsel, Mark Rienzi, that Defendants take no position on the motion  
7 to intervene or the motion to shorten time.

8  
9  
10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed on November 21, 2017.

12 /s/ Eric Rassbach  
13 Eric Rassbach  
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